

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Regular Meeting

July 17, 2013

The Regular Meeting of the Planning Board was called to order at 7:30 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Einbinder, Mr. Johnson, Mr. Bruno, Mr. Hall, Mr. Russo, and Ms. Perna. Mr. Niceforo, Mr. Franchino, Mr. Graziano, Mr. Cuocci and Mr. Monaco were absent. Steven R. Tombalakien, Esq., substituting for Mr. Cresitello, Board Attorney, and Mr. Solfaro, Board Engineer, were also present

Adoption of Resolution:

App. #SP-2-13: Peak Medical LLC, 492 Springfield Avenue, Block 613, Lot 6 (Zone DD)

Requesting site plan amendment for preliminary and final site plan approval along with a prior variance of constructing a small entrance portico.

A motion was made by Mr. Einbinder, seconded by Mr. Hall, to adopt the above Resolution. The voice vote was unanimous with Mr. Einbinder, Mr. Johnson, Mr. Hall, Mr. Russo, and Ms. Perna voting in favor.

Adoption of Minutes:

Special Meeting June 10, 2013

Regular Meeting June 19, 2013

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adopt the Minutes of the Special Meeting of June 10, 2013 and the Minutes of the Regular Meeting of June 19, 2013 as presented. The voice vote was unanimous.

Applications for Review:

App. #M-2-13: Menza & Beissel Homes, Inc., 90 Kline Blvd., Block 1503, Lot 26

Requesting minor subdivision approval. The site to be subdivided currently contains a one and one-half story dwelling as well as a freestanding garage with an apartment above it. Elsewhere on the site are other impervious areas consisting of paved driveways, walkways and patios. It is proposed to remove all of the existing site improvements (structures and impervious areas), subdivide the property into two (2) lots and construct single-family dwellings with attached garages, paved driveways, walkways and patios on each of the new lots. (R-15 Zone)

Mr. Hall recused himself from this application as a property owner within 200'.

Richard Sherman, attorney representing the applicant, stated that this is a continuation of this application from the meeting held on June 5. Since that meeting the applicant's engineer has made some layout changes as a result of recommendations of the Board and he has taken action relative to the drainage questions raised at the last meeting.

Frederick Voss, previously sworn, stated that he has made some changes to the drainage to address the concerns expressed by the public and the Board. The proposed houses have been moved back to 60' off the street instead of 51'. The side yard setback between the houses has been reduced and the outside setbacks increased to a minimum of 18' in order to be more sensitive to the neighbors. Mr. Voss reviewed the results of the soil tests that were performed and discussed the measures to be taken to alleviate the drainage concerns. Those measures include a series of yard drains and construction of a berm along the southwest side of the property. He believes the proposed improvements will satisfactorily address the drainage concerns.

Mr. Solfaro stated that the site is very restrictive but the proposed drainage measures will help the situation and what is presented at this time is the best that can be done due to the constraints of the property. He cannot say that as a result of these measures there will be zero flooding.

Discussion took place and a question was raised as to what can be done to remediate the drainage if it is determined after the houses are built that the existing flooding problems have been made worse. Board members expressed concern about the effect of the new houses on the neighboring properties.

Mr. Voss explained how the water leaves the property now and noted that the existing run off results from a low spot between proposed Lot 26.01 and Lot 25. The applicant is proposing to build a berm and install a yard drain and infiltration trench system to bring the flow out to Kline Blvd and that will make the situation better. The berm will be

located on Lot 26.01, it will be grass covered, and the owner of that lot will be responsible for maintenance. This will be included in their deed.

Mr. Solfaro noted that in the Neglia review letter dated July 11, 2013 some additional drainage proposals were made and Mr. Voss has indicated that his client has no objection to them.

In response to a question regarding buffering, Mr. Voss stated that the applicant will plant replacement trees as required by the Township ordinance and he indicated on the plans the location of the proposed new trees.

Open to the Public

The hearing was opened to the public for questions with regard to Mr. Voss' testimony.

Kevin Hall, 52 Bristol Court, stated that he was speaking on behalf of residents on Kline Blvd who feel that water is an issue. The residents have a major concern that water is now going to be directed toward the street and that in the winter a lot of water will go out into the street and freeze causing hazardous driving conditions. He asked if there is a way to install a storm drain in the street between these houses to alleviate that type of hazard or if Mr. Voss would recommend some way to address the issue of water freezing on the street.

Cliff Auchter, 56 Kline Blvd., was sworn and stated that there is an icing issue in the center of Kline Blvd. The road was paved but they still get icing in the winter. After a storm there is a wet spot in the middle of the road that appears to be coming from the road.

Joe Vicari, 118 Kline Blvd, was sworn and stated that the icing condition was in two other spots and when they paved the street they tried to fix it but it ended up in another spot. When the temperature drops and water is in the street it freezes. He expressed the opinion that the condition will be worse after this development is done with two more driveways and two more roofs. A swale is not going to work and a storm sewer is needed to catch the water.

Mr. Solfaro said he wants to discuss the issue with the Township Engineer and the possibility of installing a basin in front of 90 Kline.

Discussion took place with regard to the existing problems on Kline Blvd, the potential for exacerbating the existing conditions and what the applicant can be required to do to remedy the situation. It was noted that one developer should not be required to fix an

existing problem but he should be required to not make the problem worse. It was suggested that there be a condition of approval that the applicant be required to help address the problem if it becomes worse.

Further discussion took place regarding how to insure that this developer doesn't make the problem worse and what remedy the Township and the residents will have if it becomes worse. It was suggested that the Board Engineer and Township Engineer come up with a design for improvements if the road deteriorates and determine what share of the cost would be attributed to this project.

Mr. Sherman asked for a recess to discuss the issue with his client.

Following the break, Mr. Sherman stated that the applicant suggested that they give the Township a \$10,000 cash contribution to be paid upon building permit issuance which represents 30% of their estimate for the improvements that may be needed.

The Board members thanked the applicant for the fair and reasonable offer.

Open to the Public

The hearing was opened to the public for further questions with regard to Mr. Voss' testimony or comments or questions with regard to the application. There were no members of the public who had questions or comments and the hearing was closed to the public.

Mr. Sherman summarized the application and requested that the Board favorably consider the minor subdivision approval with lot width variance.

Mr. Solfaro noted that the majority of open items in his report dated July 11, 2013 have been satisfied and Mr. Voss has stated that everything else would be addressed. Any future development would be subject to site plan review by the Board or the Township Engineer's office.

Mr. Tombalakian noted that the application was just for minor subdivision, with no site plan. As long as the houses conform to the code and this approval there will be no need for site plan approval. There will be a condition that after the houses are built there will be a site inspection and discussion of the landscape plan.

Board Comments

Ms. Perna said she appreciates the applicant's willingness to work with the Board and compromise when needed. She thinks the development will be a benefit to the town.

Mr. Bruno agreed with Ms. Perna and said he thinks the builders have demonstrated they build a quality project. He said he appreciates the applicant's willingness to work with the Board on the drainage issues.

Mr. Einbinder said this is a good application that will make good use of the land and he intends to vote in favor of the application.

Mr. Tombalakian reviewed the conditions of approval as discussed in the course of the hearing including tree replacement in accordance with site inspection once the houses are built, 18' side yard setbacks, 60' front yard setbacks for both lots, language to be included on the deed for proposed Lot 26.01 as to maintenance of the drainage appurtenances, and a \$10,000 contribution representing the applicant's reasonable pro rata contribution toward cost of performing drainage improvements on Kline Blvd.

A motion was made by Mr. Einbinder, seconded by Ms. Perna, to approve Application #M-2-13: Menza & Beissel Homes, Inc., 90 Kline Blvd., Block 1503, Lot 26 for minor subdivision approval, subject to the conditions discussed during the hearing, the issues raised in the July 11, 2013 Neglia report, and the requirements, restrictions and limitations that shall be set forth in a Resolution of Memorialization to be adopted by the Board at a future meeting.

The Motion was carried 4-0 with Mr. Einbinder, Mr. Johnson, Mr. Russo and Ms. Perna voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Bruno, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:16 p.m.

Regina Giardina, Secretary Pro-Tem